

2020-May-20: Minutes NRO EC Meeting

Teleconference

FINAL

Date: Wednesday, 20 May 2020, 10 am UTC.

Attendees

Executive Council:

Oscar Robles (OR)	LACNIC	Chair
John Curran (JC)	ARIN	Vice Chair/Secretary
Paul Wilson (PW)	APNIC	Treasurer
Eddy Kayihura (EK)	AFRINIC	
Hans Petter Holen (HPH)	RIPE NCC	

Observers:

Subramanian Moonesamy (SM)	AFRINIC
Ashok Radhakisson (AR)	AFRINIC
Kishna Dhondee	AFRINIC
Pablo Hinojosa (PH)	APNIC
Craig Ng (CN)	APNIC
Paul Andersen (PA)	ARIN
Richard Jimmerson (RJ)	ARIN
Michael Abejuela (MA)	ARIN
Ernesto Majó (EM)	LACNIC
Eduardo Jimenez (EJ)	LACNIC
Chris Buckridge (CB)	RIPE NCC
Athina Fragkouli (AF)	RIPE NCC

Secretariat:

German Valdez (GV)	NRO Secretariat
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Agenda

0. Welcome
 1. Agenda Review
 2. Recommendation #6 (mediation/arbitration)
 3. InterRIR Fraud Handling Communication Framework
 4. ASO Review ASO MoU subsequent changes related to recommendations 1-17
 5. Legal Status of IP Addresses (rights to IP resources)
 6. Review RIR Cooperation Agreement Framework for Handling Personal Data
 7. AOB
 8. Adjourn
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Resolutions

No resolutions were passed during this meeting.

New Action Items

The following action Items were assigned during this meeting:

New Action Item 200520-01. GV to share with the legal team the communications with ICANN (Alan Barrett emails) regarding recommendation #6 of the ASO Review.
New Action Item 200520-02. OR to restart communication with ICANN regarding NRO position on recommendation #6 of the ASO Review.
New Action Item 200520-03. GV to coordinate the participation of legal staff in the next RSCG teleconference to advance in the legal review of Inter RIR Fraud Handling Communication Framework document.
New Action Item 200520-04. OR to follow up with legal team the review of the implementation of recommendations 1 - 17 (except 6)

New Action Item 200520-05. OR to follow up with Legal Team in the development of a position paper on the Legal Status of IP Addresses.

0. Welcome

OR welcomed all participants and started the meeting at 10:02 AM UTC

1. Agenda Review

OR asked for any new items for the agenda.

No new items were suggested.

GV reminded that the 20 May 2020 session was scheduled for 90 mins to allow the secretariat to support the monthly ASO AC teleconference starting in about 2 hours.

2. Recommendation #6 (mediation/arbitration)

GV reminded that the NRO lost track of this topic due to the two changes in the NRO EC leadership during 2019. He added that a consultation to the ICANN MSSSI Secretariat with the position of the NRO regarding changes in mediation and arbitration section in the ASO MoU has not been replied.

AF reminded that the legal team scheduled a session during ICANN Cancun Meeting which never happened, she asked the NRO EC for direction on this topic so the legal team could work on it.

CN commented that recommendation 6 refers to a situation where for a global Policy has been approved by all RIR but for some reason is rejected by the ICANN Board. CN reminded that there is a clause in the MoU that describes a dispute resolution but it's not clear if ICANN recognises it. CN commented that if ICANN has not responded the NRO could pursue their answer.

AR asked if the scenario of ICANN rejecting a global policy approved by all RIR is foreseeable, if not maybe there is some time to work on it.

PW said that such cases definitely never has turned up before and it seems pretty unlikely to be an urgent need to resolve.

JC agreed with PW that it was a corner case. JC said that the question is of whether or not this entire process serves any value to the number community.

JC commented that the consultation with ICANN was conceptual, JC suggested to work in parallel so the legal team can have a legal drafting while waiting ICANN response.

CN asked to have access to last year emails communication to ICANN.

OR asked GV to send the emails to the legal team so they can start working in a proposal while he would follow up on ICANN response

New Action Item 200520-01. GV to share with the legal team the communications with ICANN (Alan Barrett emails) regarding recommendation #6 of the ASO Review.

New Action Item 200520-02. OR to restart communication with ICANN regarding NRO position on recommendation #6 of the ASO Review.

3. InterRIR Fraud Handling Communication Framework

GV commented that the framework was drafted by the Registration Services Managers and they were looking for legal feedback before advancing in their implementation.

MA added that it was under the review of the legal team in preparation of the Cancun ICANN meeting, so they need to refocus and take it back and provide comments. MA volunteered to take up the editing and redlining with the feedback of the legal team.

PW said that APNIC was confident about the legal risks of the proposal as it was about information to be shared and validated with other RIR in case of genuinely suspected cases of fraud. PW added that there should be no case of sharing confidential information about someone who is not genuinely suspected of committing fraud.

PW noted that the framework document requires legal advice with clear guidelines to be spelled out.

AS said it was a necessary and useful document that indeed requires some legal review to ensure we are not breaching any law.

AF noted that another possible outcome should be the creation of a non-confidential agreement framework that should be agreed upon all RIRs, so we first need to understand what kind of information we're talking about to what extent we want to exchange them for what reason and perhaps come up with further legal documents that would enable us to do this on a good legal grounds.

^[SEP]AF added that maybe a direct dialogue with the RSCG could allow move things faster.

OR asked GV to help to coordinate the dialogue.

GV said that the RSCG is planning to hold a teleconference the 2nd week of June and it could be an opportunity to have the legal team there.

PW pointed out the current need to exchange in a responsible manner specific information among the Registration Services departments when fraudulent cases are seen in different RIRs, this will continue while we are deriving more information about what kinds of agreements need to be put together.

OR agreed with PW

EJ said that the legal team will work in reviewing the framework document.

New Action Item 200520-03. GV to coordinate the participation of legal staff in the next RSCG teleconference to advance in the legal review of Inter RIR Fraud Handling Communication Framework document.

4. ASO Review ASO MoU subsequent changes related to recommendations 1-17

JC reminded that as a result of the ASO Review there were recent updates to the MoU, starting with low hanging fruit changes. JC noted that there are more longer items like arbitration and those are on hold.

JC added that there are outstanding items from the ASO report that the legal team should review unless the NRO EC is going to put a wrap on everything from the prior review.

OR asked if there were any specific recommendation in addition to recommendation number 6 that the legal team should review.

PW considered that the work has been done except for number 6.

JC suggested to mark in the status of the ASO Review the recommendation 6 other than completed while OR follow up with ICANN's. JC said that if ICANN agrees the legal team should review the proper implementation of the recommendation 6.

AF said that in addition to the follow up work with recommendation number 6 the legal team could double check that the other recommendations changes have been implemented.

OR welcomed AF offered.

New Action Item 200520-04 OR to follow up with legal team the review of the implementation of recommendations 1 - 17 (except 6)

5. Legal Status of IP Addresses (rights to IP resources)

AF mentioned that the RIPE NCC suggested having a legal investigation and research on the legal status of the IP addresses.

AF stressed on the importance to have a unique answer on the legal status of IP addresses from all RIRs. She said that RIPE NCC and APNIC could start working in a first draft document.

AR stressed on the importance of the topic. He suggested that each RIR provide an analysis of the interpretation and gather all RIR information for a discussion paper.

HPH said that he'd like to see a coordinated effort from all RIR on this matter, he added it was a topic of importance for the whole registry system.

OR agreed with HPH

PW suggested that as pragmatic short term action the RIRs come up with a public statement position.

EJ said that the legal team could provide a common opinion and then each RIR follow up with their local opinion of each jurisdiction maybe using external reviews.

OR asked for suggestions for the next steps to take.

CN suggested that RIPE NCC and APNIC can start collecting the interpretation and assessments from all RIR to draft a position paper.

EJ thanked AF and CN for taking the lead. EJ said that it might be useful to have an initial understanding of the framework, he suggested that the rest of the legal team join the efforts relatively early in the process.

CN said that the idea would be to share it as soon as we've got some base, a basic starting point and then to add the rest of the team.

OR stressed in the importance to have the input of all RIRs and their respective views of law.

JC agreed with the proposed approach of APNIC and RIPE NCC leading the way.

New Action Item 200520-05 OR to follow up with Legal Team in the development of a position paper on the Legal Status of IP Addresses.

6. Review RIR Cooperation Agreement Framework for Handling Personal Data

JC commented that each RIR has their own personal data handling policies even though there is actually to some extent a single registry system. JC explained that the framework document is an attempt to effectively make an Internet registry personal data privacy policy that would be overarching all RIRs.

PW noted that the NRO EC is discussing a number of issues that are actually very much dependent on each other for example the individual discussion of the legal status of IP addresses and the personal data privacy framework.

PW commented that there are a number of interacting, highly interdependent issues that we're considering at the moment and they all could fall under a single agreement that it could be incorporated to the NRO MoU.

JC proposed to move for next day PW idea to have a more conceptual high level agreements, something very conceptual, a few sentences about what we're agreeing to.

JC noted that some balance is required when some particular topics are currently under RIR community discussion and the overall coordination within the NRO.

JC suggest having a more general discussion at the NRO level before giving specific instructions to the legal team on this matter.

OR and PW agreed.

7. AOB

No other items were added to the discussion

8. Adjourn

OR thanked all participants and ended the meeting at 11:37 AM UTC